

REMARKS

In the Restriction Requirement, the Examiner required election, under 35 U.S.C. §121, of one of the following inventions: Group I including claims 1-7 and 17-31 allegedly drawn to "Telecom"; and Group II including claims 10-13, 15, 16, and 32-37 allegedly drawn to "web-base" (Restriction Requirement, page 2). The Examiner alleged that the inventions are related as subcombinations usable together in a single combination (Restriction Requirement, page 2). For the reasons that follow, Applicants respectfully traverse the restriction requirement.

M.P.E.P. § 803 states that there are two criteria for proper requirement for restriction between patentably distinct inventions: (1) the inventions must be independent or distinct as claimed; AND (2) there would be a serious burden on the Examiner if restriction is not required. Applicants respectfully submit that the Examiner's restriction requirement does not satisfy at least the second requirement.

The Examiner has not shown that all of the claims cannot be searched and examined without serious burden. Claims from both of the two groups identified by the Examiner were part of the application, as originally filed. The Examiner has searched and examined both groups of claims for five Office Actions, spanning a period of approximately three years. Therefore, any allegation by the Examiner that further searching and examining the two groups of claims is burdensome on the Examiner lacks merit. In fact, it is unreasonable for the Examiner to issue a restriction requirement involving claims that originally appeared in the application after searching, examining, and issuing five Office Actions.

Because the Examiner has not shown that a serious burden would result from further searching and examining the claims in both Groups I and II, restriction is improper.

For at least the foregoing reasons, Applicants request reconsideration and withdrawal of the restriction requirement.

In the event that the restriction requirement is maintained, Applicants hereby elect Group II, including claims 10-13, 15, 16, and 32-37, with traverse.

To the extent necessary, a petition for an extension of time under 35 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY SNYDER, L.L.P.

By: /Paul A. Harrity/
Paul A. Harrity
Reg. No. 39,574

Date: December 12, 2006

11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
(571) 432-0800